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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE:
JAMETTA DUBOIS EDWARDS-KENDRICK
Debtor
Address: 1701 HEADWATERS ROAD
Midlothian, VA 23113
Last four digits of Social Security No.(s): XXX-XX-3559

BCN #: 13-33485\DOT
Chapter: 7

NOTICE OF MOTION

PHH Mortgage Corporation has filed papers with the court to request an order granting relief from the Automatic Stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the Motion, or if you want the court to consider your views on the Motion, then on or before July 122, 2013, you or your attorney must:

- File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street
Room 4000
Richmond, VA 23219

You must also mail a copy to:

Susan C. Meyer, Esq.
SHAPIRO BROWN & ALT, LLP
236 Clearfield Avenue, Suite 215
Virginia Beach, Virginia 23462
(757) 687-8777

- Attend the hearing on the motion or objection scheduled to be held on July 31, 2013 at the United States Bankruptcy Court, 701 East Broad Street, Richmond, VA 23219 in Courtroom 5100 at 11:00 AM.

Susan C. Meyer, Esq.
SHAPIRO BROWN & ALT, LLP
236 Clearfield Avenue, Suite 215
Virginia Beach, Virginia 23462 Attorneys for PHH Mortgage Corporation

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

11-220348V

Dated: July 8, 2013

SHAPIRO BROWN & ALT, LLP
Attorneys for PHH Mortgage Corporation

By: /s/ Susan C. Meyer

Susan C. Meyer, Esquire, VSB #43445
SHAPIRO BROWN & ALT, LLP
236 Clearfield Avenue, Suite 215
Virginia Beach, Virginia 23462
(757) 687-8777

CERTIFICATE OF SERVICE

I certify that I have this 8th day of July, 2013, electronically transmitted and/or mailed by first class mail, postage pre-paid, a true copy of the foregoing Notice of Motion to the following:

Jametta DuBois Edwards-Kendrick
1701 HEADWATERS ROAD
Midlothian, VA 23113

Lynn L. Tavenner
Tavenner & Beran, PLC
20 North Eighth Street, 2nd Floor
Richmond, VA 23219

/s/ Susan C. Meyer

Susan C. Meyer, Esquire, VSB #43445

United States Bankruptcy Court
Eastern District of Virginia
Richmond Division

In RE:
Jametta DuBois Edwards-Kendrick
Debtor

BCN#: 13-33485\DOT
Chapter: 7

PHH Mortgage Corporation
or present noteholder,

Movant/Secured Creditor,

v.

Jametta DuBois Edwards-Kendrick
Debtor

and

Lynn L. Tavenner

Trustee

Respondents

Motion for Order Granting Relief from
Automatic Stay

PHH Mortgage Corporation, and/or present noteholder, (hereinafter “the Movant”),
alleges as follows:

1. That the bankruptcy court has jurisdiction over this contested matter pursuant to 28 U.S.C. § 157 and § 1334 and 11 U.S.C. § 362; Federal Rule of Bankruptcy Procedure 9014; and Local Bankruptcy Rule 4001(a)-1.

2. That the above named Debtor filed a Chapter 7 Petition in Bankruptcy with this Court on June 26, 2013.

3. That Lynn L. Tavenner has been appointed by this Court as the Chapter 7 Trustee in this instant Bankruptcy proceeding.

4. That the subject deed of trust secures a parcel of real property (hereinafter “the Property”) with the address of 1701 HEADWATERS ROAD, Midlothian, VA 23113 and more particularly described in the Deed of Trust dated June 19, 2008 and recorded as Deed Book/Instrument Number 8394 at Page 0307 among the land records of the said city/county, as:

Susan C. Meyer, Esq.
SHAPIRO BROWN & ALT, LLP
236 Clearfield Avenue, Suite 215
Virginia Beach, Virginia 23462 Attorneys for PHH Mortgage Corporation

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND WITH THE IMPROVEMENTS THEREON AND APPURTENANCES THERETO BELONGING, SITUATE, LYING AND BEING IN MIDLOTHIAN DISTRICT, CHESTERFIELD COUNTY, VIRGINIA, DESIGNATED AND DESCRIBED AS LOT 18, BLOCK B, ON THE REVISED PLAT OF FOUR SEASONS SUBDIVISION, AS SHOWN ON PLAT OF SURVEY MADE BY J. K TIMMONS & ASSOCIATES, INC., DATED JANUARY 9, 1978, RECORDED JANUARY 10, 1978, IN THE CLERK'S OFFICE, CIRCUIT COURT, CHESTERFIELD COUNTY, VIRGINIA, IN PLAT BOOK 30, PAGES 32 AND 33 (PREVIOUSLY ERRONEOUSLY TYPED AS PAGE 31), FURTHER REFERENCE IS HEREBY MADE TO A PLAT OF SURVEY MADE BY BARTON CORSO & ASSOCIATES, LTD., CERTIFIED LAND SURVEYORS, DATED AUGUST 6, 1979, WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF THE PROPERTY HEREIN CONVEYED.

5. That the Movant is informed and believes, and, based upon such information and belief, alleges that title to the Property is currently vested in the name of the Debtor.

6. That the Debtor is in default with regard to payments which have become due under the terms of the aforementioned note and deed of trust.

The Debtor is due for:

- o 14 monthly payments of \$1,399.91 each which were to be paid directly to Movant;
- o 1 monthly payments of \$1,588.17 each which were to be paid directly to Movant;
- o 6 monthly payments of \$1,401.37 each which were to be paid directly to Movant;
- o Accrued Late Charges of \$267.12
- o NSF Check Charges of \$35.00
- o Property Inspection of \$22.50
- o Bankruptcy Fees of \$550.00
- o Bankruptcy Costs of \$176.00
- o Suspense Balance of -\$1,387.03
- o Total of \$29,258.72

7. The unpaid principle balance on the said note is \$210,688.26.

8. That the Movant has elected to initiate foreclosure proceedings on the Property with respect to the deed of trust, but is prevented by the Automatic Stay from going forward with these proceedings.

9. That the Movant is informed and believes, and, based upon such information and belief, alleges that the Debtor has little or no equity in the property.

10. That continuation of the automatic stay pursuant to 11 U.S.C. §362(a) will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled under 11 U.S.C. § 362.

11. That the Movant has requested that the Court hear this matter on July 31, 2013 at 11:00 AM.

WHEREFORE, Movant prays for an order granting relief from Automatic Stay in order to pursue its remedies under the terms of its Note and Deed of Trust, that the fourteen (14) day waiting period imposed by F.R.B.P. 4001(a)(3) be waived, for its attorneys fees and costs expended, and for such other and further relief as the Court and equity deem appropriate.

Dated: July 8, 2013

SHAPIRO BROWN & ALT, LLP
Attorneys for Movant

By: /s/ Susan C. Meyer

Susan C. Meyer, Esquire, VSB #43445
SHAPIRO BROWN & ALT, LLP
236 Clearfield Avenue, Suite 215
Virginia Beach, Virginia 23462
(757) 687-8777 11-220348V

NOTICE OF MOTION AND HEARING

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not wish the Court to grant the relief sought in this motion, or if you want the Court to consider your views on this motion, then within fourteen (14) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: Clerk of Court, United States Bankruptcy Court, 701 East Broad Street, Room 4000, Richmond, VA 23219-3515, and serve a copy on the Movant. Unless a written response is filed and served within this fourteen day period, the Court may deem any opposition waived, treat the motion as conceded, and issue an Order granting the requested relief.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the fourteen day period.

You may attend the preliminary hearing scheduled to be held on: July 31, 2013 at 11:00 AM in Courtroom 5100, United States Bankruptcy Court, 701 East Broad Street, Richmond, VA 23219.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an Order granting the requested relief.

Dated: July 8, 2013

SHAPIRO BROWN & ALT, LLP
ATTORNEYS FOR THE MOVANT

/s/ Susan C. Meyer
BY: Susan C. Meyer, Esquire, VSB #43445
SHAPIRO BROWN & ALT, LLP
236 Clearfield Avenue, Suite 215
Virginia Beach, Virginia 23462
(757) 687-8777 11-220348V
Counsel for PHH Mortgage Corporation

Certificate of Service

I certify that I have this 8th day of July, 2013, electronically transmitted and/or mailed by first class mail, true copies of the Motion for Relief from the Automatic Stay and Notice of Motion and Hearing to each party required to receive notice.

Jametta DuBois Edwards-Kendrick
1701 HEADWATERS ROAD
Midlothian, VA 23113

Lynn L. Tavenner
Tavenner & Beran, PLC
20 North Eighth Street, 2nd Floor
Richmond, VA 23219

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/s/ Susan C. Meyer
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